United Nations S/2001/786

Security Council

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14 August 2001
English
Original: Arabic

Letter dated 13 August 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 9 August 2001 from Mr. Naji Sabri, Minister for Foreign Affairs of Iraq. Appended to the Minister's letter is a table showing violations of Iraq's international boundaries committed by United States and British warplanes flying across the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the period from 21 July to 3 August 2001.

The Minister urges you to instruct UNIKOM to perform its duties in full and to report these violations to the Security Council through you, given that they constitute wanton aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations, and he asks you to alert the Security Council to its responsibility to halt the aggression and hold the aggressors accountable for it under international law.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Al-Douri**
Ambassador
Permanent Representative

01-51067 (E) 150801 160801

Annex to the letter dated 13 August 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Further to our letter dated 28 July 2001 (S/2001/755, annex), I should like to inform you that United States and British warplanes committed 107 violations of Iraq's international boundaries from Kuwait and by way of the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the period from 21 July to 3 August 2001. On the basis of the table appended to this letter, the relevant Iraqi authorities have determined that the violations committed were as follows:

1. Armed and hostile aerial activity by the United States and the United Kingdom, violating our international boundaries by way of the demilitarized zone, comprised 107 sorties in the following governorates: Basrah, Maysan, Dhi Qar, Muthanna and Qadisiyah.

2. Our technical systems identified the aircraft violating Iraq's airspace on an almost daily basis as American F-14s, F-15s, F-16s and F-18s and British Tornadoes.

3. An AWACS aircraft operating inside Saudi airspace and an E-2C aircraft operating inside Kuwaiti airspace provided support to all of the United States and British aircraft indicated in paragraphs 1 and 2 above that carried out armed and hostile sorties by violating Iraq's airspace by way of the demilitarized zone.

4. A total of 14 remotely piloted aircraft violated Iraq's airspace from Kuwait by way of the demilitarized zone between 21 July and 3 August 2001.

All of the violations in question were committed by way of the demilitarized zone in which UNIKOM is stationed. One of UNIKOM's primary responsibilities is to monitor such hostile military operations and to report them and endeavour to halt them immediately.

The fair-minded nations of the world, including most of the Arab countries, have condemned the maintenance of the no-flight zones as representing an illegitimate use of force against an independent, sovereign State. Three countries that are permanent members of the Security Council, namely the Russian Federation, China and France, have stressed the fact that the enforcement of the no-flight zones in northern and southern Iraq has no basis in any principle of international law. Mr. Boutros Boutros-Ghali, your predecessor as Secretary-General, has stated that the claim made by the United States that Security Council resolution 688 (1991) authorizes the imposition of the no-flight zones is groundless. At your press conference of 27 June 2001, you said that there was no basis in the resolutions of the Security Council for the imposition of the no-flight zones in northern and southern Iraq. Your actual words were (SG/SM/7865):

> "You know my position on this, and I have indicated that when you analyse and read the Security Council resolutions I do not see the Security Council resolutions as a basis for that."

The violations being committed by United States and British military aircraft, in which 10 to 20 of them are used daily, are tantamount to an undeclared war. It is imperative that the United Nations should take the measures that are required in

their regard under the Charter, so that the aggression may be halted and those who have committed the violations may be charged with full international responsibility for them, including liability for payment of compensation to Iraq.

The statements of UNIKOM to the effect that it is unable to monitor or identify these aircraft cannot be maintained in the light of the scientific and technological capabilities that are available or that UNIKOM is in a position to acquire and utilize in order to fulfil the requirements of its mandate by establishing the identity and country of the warplanes that are violating Iraq's sovereign airspace and thence taking deterrent measures against the aggressors.

I accordingly urge you once more to instruct UNIKOM to perform its duties in full and to report these violations to the Security Council through you immediately they occur, given that they constitute wanton aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations, and I ask you to alert the Security Council to its responsibility to halt the aggression and hold the aggressors accountable for it under international law.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs

Enclosure

Hostile aerial activity violating Iraq's international boundaries from Kuwait, 21 July-3 August 2001

No.	*Date*	*From*	*Time*	*Type*	*Sorties*	*Altitude (metres)*	*Speed (km h)*	*Areas overflown*
1	21-27 July	Kuwait	0845-2315	F-14, F-15, F-16, F-18	47 (with 7 drones)	4,500-11,000	180-780	Basrah, Amarah, Nasiriyah, Qurnah, Artawi, Samawah, Shinafiyah
2	28 July-3 August	Kuwait	0800-1025	F-14, F-15, F-16, F-18	60 (including 7 drones)	8,000-10,000	180-780	Basrah, Nasiriyah, Qurnah, Jalibah

Total sorties: 107

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Security Council

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General Assembly
Fifty-sixth session
Item 178 of the provisional agenda*
Measures to eliminate international terrorism

Security Council
Fifty-sixth year

Letter dated 13 August 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to yet another act of Palestinian terrorism that occurred yesterday near the northern Israeli city of Haifa.

At approximately 5.30 p.m. (local time), a Palestinian suicide bomber entered a small coffee house in Kiryat Motzkin, north of Haifa. The terrorist lifted his shirt, exposing a belt packed with explosives to frighten patrons who quickly fled in fear as the bomber detonated his charge. The blast completely destroyed the coffee house, scattering glass and debris into the street and wounding 21 people. Judging from the recent devastating bombing that killed 15 people and wounded 130 others at a popular pizza restaurant in Jerusalem, yesterday's attack could have inflicted far greater carnage.

The Kiryat Motzkin bombing is merely the latest in a series of Palestinian bombings, mortar attacks, and shootings that have been detailed in my letters dated 9 August 2001 (A/56/286-S/2001/780), 8 August 2001 (A/56/280-S/2001/775), 6 August 2001 (A/56/272-S/2001/768), 27 July 2001 (A/56/225-S/2001/743), 26 July 2001 (A/56/223-S/2001/737), 17 July 2001 (A/56/201-S/2001/706), 13 July 2001 (A/56/184-S/2001/696), 3 July 2001 (A/56/138-S/2001/662), 2 July 2001 (A/56/131-S/2001/656), 21 June 2001 (A/56/119-S/2001/619), 19 June 2001 (A/56/98-S/2001/611), 18 June 2001 (A/56/97-S/2001/604), 13 June 2001 (A/56/92-S/2001/585), 11 June 2001 (A/56/91-S/2001/580), 4 June 2001 (A/56/85-S/2001/555), 30 May 2001 (A/56/81-S/2001/540), 25 May 2001 (A/56/80-S/2001/524), 18 May 2001 (A/56/78-S/2001/506), 11 May 2001 (A/56/72-S/2001/473), 9 May 2001 (A/56/69-S/2001/459), 1 May 2001 (A/55/924-S/2001/435), 23 April 2001 (A/55/910-S/2001/396), 16 April 2001 (A/55/901-S/2001/364), 28 March 2001 (A/55/863-S/2001/291), 27 March 2001 (A/55/860-S/2001/280), 26 March 2001 (A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001 (A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001

* A/56/150.

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(A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108) and 2 November 2000 (A/55/540-S/2000/1065).

The State of Israel holds the Palestinian Authority responsible for this latest atrocity as it does for the innumerable acts of terrorism perpetrated over the last 11 months. The Palestinian Authority, in grave and flagrant breach of its signed commitments to renounce the use of violence and terrorism, has consistently stoked the flames of Palestinian anger, used its officially controlled media apparatus to incite the population to violence, released convicted terrorist prisoners from Palestinian jails, and steadfastly refused to take any concerted action to prevent attacks on Israeli civilians.

Just this week, the Palestinian Authority released three more Hamas terrorists who were involved in, among other attacks, the suicide bombing at the Tel Aviv Dolphinarium on 1 June 2001. This action follows the release several months ago of scores of other convicted terrorists who were being held prisoner by the Palestinian Authority. In recent days, the Palestinian Authority has arrested Abdullah Barghouti, the mastermind of last week's bombing in Jerusalem, an arrest that unfortunately came too late. However, judging by past behaviour, Barghouti will likely be freed again under the Palestinian leadership's "revolving door" policy, a policy that serves to enrich the store of potential suicide attackers and sends a further signal of official support for Hamas and other terrorist organizations.

The results of these actions are clear for all to see. Since the onset of Palestinian orchestrated violence and terrorism in September 2000, 156 Israelis have been killed by Palestinian terrorists in the course of over 6,000 separate attacks. Since the Palestinians were supposed to have implemented a ceasefire following negotiations conducted by United States Director of Central Intelligence George Tenet, there have been over 1,100 separate attacks in which 35 Israelis have been killed. In the last week alone, there has been an average of 22 attacks per day, in which a total of 18 Israelis have been murdered by Palestinian terrorists.

Israel again calls upon the Palestinian leadership to fulfil the cardinal undertakings to which it has repeatedly committed itself. Only by reining in violent terrorist groups can we hope to end this ongoing cycle of bloodshed. Israel further calls on the international community to make clear that it regards the devastating rise in indiscriminate killings of innocent civilians as unacceptable, regardless of the circumstances.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-sixth session of the General Assembly, under item 178 of the provisional agenda and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations S/2001/788

Security Council

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14 August 2001

Original: English

Letter dated 13 August 2001 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith an article that appeared in the *Washington Times* on 10 August 2001 entitled "Making it right in Sudan" (see annex).

The paper indicated that it is now widely recognized that the United States of America acted hastily and mistakenly in bombing the Alshifa pharmaceutical factory and that Congress should right the wrong and compensate the victims, including the owner.

The paper also stated that Washington should confess when it makes mistakes. Indeed, in recent years, the United States has provided compensation after shooting down an Iranian airliner and the Chinese Embassy in Belgrade. It should do the same for destroying the Alshifa pharmaceutical plant. Demonstrating that America is just as well as powerful is more important that protecting Clinton's reputation.

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Elfatih **Erwa**
Permanent Representative

01-51073 (E) 160801

Annex to the letter dated 13 August 2001 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Making it right in Sudan

By Doug Bandow
Washington Times
August10,2001

Three years ago, in the midst of the Monica Lewinsky scandal, President Bill Clinton launched a missile strike against a Sudanese pharmaceutical factory, claiming that it manufactured chemical weapons. It is now widely recognized that the United States acted hastily and mistakenly. Congress should right the wrong and compensate the victims, including the owner.

Terrorism poses one of the most serious security threats to the United States today. On Aug. 20, 1998, shortly after his grand jury testimony in the Lewinsky case, the president ordered attacks on training camps in Afghanistan and the El-Shifa pharmaceutical plant in North Khartoum, Sudan. The latter was targeted because of its alleged ties to terrorist Osama Bin Laden. Four days later the United States froze $24 million of the plant owner's assets.

The timing of the incident, given the president's political problems, was suspicious enough. Indeed, U.S. officials had previously approved a U.N. contract with the El-Shifa plant to ship veterinary medicine to Iraq as part of the oil-for-food program.

Many administration claims were almost immediately discredited. In a detailed study Michael Barletta of the Center for Nonproliferation Studies reported that "senior U.S. officials were shown to have been ignorant of key facts at the time of their decision to bomb the plant."

Evidence emerged suggesting that the El-Shifa plant made pharmaceuticals – supplying more than half of Sudan's demand – not weapons, and that owner, Salah Idris, was a businessman, not a terrorist. In fact, the administration quickly backtracked on claims that Mr. Idris, who bought the plant just five months before it was bombed, was linked to Bin Laden.

Outsiders freely visited the plant and said it was not guarded and that it lacked the extra space, equipment, materials and air-sealed doors necessary for chemical weapons work (which requires sophistication rarely seen in a state like Sudan). The Eastern and Southern African Trade and Development Bank, which provided Mr. Idris with a loan, audited the operation and found nothing amiss.

The soil sample that supposedly contained the chemical EMPTA, which is used in the production of VX, a nerve gas, as well as some innocent applications, appeared flawed and could not be replicated by American chemists brought in by Mr. Idris. Yet the United States opposed inspecting the rubble, as proposed by Mr. Idris and Sudanese government authorities, even though doing so likely would have confirmed any presence of EMPTA.

Finally, the attempt to tie Mr. Idris to the odious regime in Khartoum failed. Some suspected that he owed his privileged position to financial support for the government, but Sudanese dissidents said he was nonpolitical. There was also some information suggesting that his family was active with the opposition.

Although it is virtually impossible to prove that no portion of the plant was ever used to produce a chemical weapons agent, the administration failed any affirmative burden of proof. Mr. Barletta observed that "Important aspects of the U.S. explanation for the bombing did not withstand careful scrutiny."

In early 1999 Mr. Idris filed suit against the Treasury Department to lift the asset freeze. One administration official responded that his lawyers had "confused who the good guys are and who the bad guys are." But rather than defend itself, the government freed Mr. Idris' funds.

Now he wants to rebuild the plant – the Sudanese are desperate for drugs as well as other medical supplies – and is hoping to win compensation for the $30 million plant. The government, however, has claimed sovereign immunity; that is, it has refused to be sued for its acts. Mr. Idris' best hope is for congressional redress.

Rep. Dana Rohrabacher has introduced legislation to reimburse Mr. Idris, but legislators are hesitant to take on this controversy. So Mr. Rohrabacher has also proposed a resolution asking the Court of Claims to investigate Mr. Idris' claim.

Congress typically makes about 10 referrals a year, a hearing officer prepares a report for a three judge panel, which sends its conclusion to Congress. The court could not award any money, but could endorse a claim, even one barred by procedural rules such as sovereign immunity.

An impartial assessment is necessary. So far Washington has claimed the right to be judge and jury in its own case, all the while refusing to make public any of its evidence – in sharp contrast to the Reagan administration, which did do so to justify its retaliatory strike on Libya nearly two decades ago.

Thus, it is impossible to give the government the benefit of the doubt. As Mr. Barletta concluded: "It remains possible that at some point in time, a small quantity of a VX precursor chemical was produced or stored in Shifa or transported through or near it. However, the balance of available evidence indicates that the facility probably had no role whatsoever in CW development."

Nor does it make sense to force Mr. Idris to go through the motion of finishing all of his appeals. He held off suing for two years in an attempt to negotiate a settlement; now the government is relying on sovereign immunity. Waiting will merely exacerbate the injustice committed.

The United States should take tough action in response to terrorism. But Washington also should confess when it makes a mistake. Indeed, in recent years the United States has provided compensation after shooting down an Iranian airliner and bombing the Chinese embassy in Belgrade. It should do the same for destroying the El-Shifa pharmaceutical plant in Sudan. Demonstrating that America is just as well as powerful is more important than protecting the Clinton administration's reputation.

Doug Bandow is a senior fellow at the Cato Institute.

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Security Council

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Fifty-fifth session
Agenda item 46
The situation in Afghanistan and its implications for international peace and security

Security Council
Fifty-sixth year

The situation in Afghanistan and its implications for international peace and security

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to paragraph 31 of General Assembly resolution 55/174 A of 19 December 2000, in which the Assembly requested me to report every four months during its fifty-fifth session on the progress of the United Nations Special Mission to Afghanistan (UNSMA). The report, which covers developments since the issuance of my previous report on 19 April 2001 (A/55/907-S/2001/384), is also submitted in response to requests by the Security Council for regular information on the main developments in Afghanistan.

II. Recent developments in Afghanistan

A. Activities of the United Nations Special Mission to Afghanistan

1. Contacts with the Afghan warring sides

2. In the last four months, my Personal Representative and Head of the Special Mission to Afghanistan, Francesc Vendrell, has been in frequent contact with the two warring sides. On the Taliban side, he has held five meetings in either Kabul or Kandahar, with the Minister for Foreign Affairs, Wakil Ahmad Mutawakkil. In addition, he has held separate discussions with other Taliban authorities, including the Governor of Kandahar, Mullah Hassan Rahmani, the Minister of Education, Amir Khan Muttaqi, the Deputy Justice Minister, Jalaluddin Shinwari, and Deputy Foreign Ministers Abdul Rahman Zahed and Mullah Abdul Jalil, as well as provincial dignitaries in Jalalabad and Herat, cities that my Personal Representative visited in May.

3. On the United Front side, my Personal Representative travelled to Faizabad on 24 May for a meeting with Burhanuddin Rabbani, President of the Islamic State of Afghanistan (ISA). He has also met in Dushanbe, on 23 April and 27 July, the ISA Vice-President and Minister of Defence, Ahmad Shah Massoud, and held talks with the Acting Minister for Foreign Affairs, Abdullah Abdullah, in Brussels on 15 May and in Berlin on 19 July.

4. The extensive discussions with both sides covered a wide range of issues, such as the military situation on the ground, prospects for a ceasefire and a political settlement, the role of the United Nations in future negotiations, the status of UNSMA in the areas under their control, human rights-related issues, the relations of the two warring sides with neighbouring

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and other countries, the sanctions adopted by the Security Council, their respective political programmes and their vision of how the Afghan conflict might be settled, their reaction to proposals for the convening of an extraordinary *loya jirga* and the role of the former King and contacts with non-warring Afghan groups abroad. In addition, in his talks with the Taliban Foreign Minister, Mr. Vendrell has repeatedly raised the continued presence of Osama bin Laden in Afghanistan and persistent reports of the existence in Taliban-controlled territory of camps where international terrorists are trained as well as issues related to United Nations activities.

5. No talks, direct or indirect, have taken place between the two sides during the period under review. The Taliban have persisted in their refusal to carry out the written agreement of 2 November 2000 to start a process of dialogue with the United Front, citing what they consider the United Nations lack of impartiality in the adoption by the Security Council of resolution 1333 (2000) of 19 December 2000. The Taliban also refused an invitation by the Government of Japan for the two warring sides to visit Tokyo in May on the grounds that the United Nations would be represented at that meeting.

2. Contacts with non-belligerent Afghans

6. My Personal Representative has maintained an intensive dialogue with relevant Afghan personalities and non-belligerent groups outside Afghanistan that support the convening of a special *loya jirga* and has repeatedly urged them to coordinate their efforts in pursuit of a peaceful political settlement in Afghanistan. On 16 May, he met in Rome with the former King, Mohammad Zahir Shah, and with members of the Rome Process Executive Committee. On 19 May he held talks in London with representatives of the Cyprus Movement for Implementation of Peace in Afghanistan and has also met representatives of the Council for Peace and National Unity in Afghanistan (the so called "Bonn Process"), the National Islamic Front of Afghanistan, as well as other groups and former mujahedin commanders in Peshawar and elsewhere. Most of those groups consider that only a *loya jirga* convened by the former King would have the necessary credibility and support inside Afghanistan.

3. Contacts with concerned Governments

7. In the past few months, my Personal Representative has discussed the situation in Afghanistan with senior Pakistani government officials, including two meetings with the Director-General of Pakistan's Inter-Services Intelligence (ISI), Mahmud Ahmed, and on various occasions with Foreign Secretary Inam ul-Haque, and Additional Secretaries Aziz Ahmad Khan and Riaz Khan.

8. On 11 April, Mr. Vendrell briefed the Governing Council of the Organization for Security and Cooperation in Europe (OSCE) in Vienna on developments in Afghanistan and their implications for the situation in Central Asia.

9. My Personal Representative visited Kazakhstan from 18 to 20 April for discussions with the President of the Republic of Kazakhstan, Nursultan Nazarbayev, and Foreign Minister Erlan Idrissov and Kyrgyzstan on 7 and 8 May for talks with President Askar Akayev and the Presidential Adviser for International Affairs, Askar Aitmatov. Both Governments expressed their concern about the negative repercussions that the situation in Afghanistan had for their security and reiterated their willingness to be of assistance in the discharge of my good offices and to host intra-Afghan talks under United Nations auspices. In Almaty, the Government of Kazakhstan reiterated its proposal that a special session of the Security Council dedicated to the question of Afghanistan and Central Asia be held in New York at an appropriate time following adequate preparation.

10. Between 13 and 18 June, my Personal Representative paid visits to Turkmenistan and the Islamic Republic of Iran. In Ashgabat, he discussed at length the Afghan issue with President Saparmurat Niazov and with the then Foreign Minister Batyr Berdiyev. In Tehran, he met Foreign Minister Kamal Kharrazi, Deputy Foreign Minister Mohsen Aminzadeh and other senior officials.

11. On 1 June, my Personal Representative held talks in Washington, D.C., with the newly appointed Assistant Secretary of State for South Asia, Christina Rocca, as well as with other senior officials in the State Department and in the National Security Council. A brainstorming session on Afghanistan organized by the Government of the United Kingdom of Great Britain and Northern Ireland in Weston Park provided an opportunity for further discussions with participants from the "six plus two" group and other interested Governments, in particular with senior British officials.

12. Mr. Vendrell also discussed the need for a comprehensive approach to the Afghanistan conflict

with the Foreign Ministers of France, Hubert Vedrine, and of Germany, Joschka Fischer.

B. Status of the United Nations Special Mission to Afghanistan, including the Civil Affairs Unit

13. Since mid-May, UNSMA presence in Taliban-held territory has been confined to Kabul, following a formal Taliban request in late April for the early closure of all UNSMA offices in the provinces in retaliation for formal closure of the Taliban office in New York. Although UNSMA activities in Taliban-held areas have been restricted since the adoption by the Security Council of resolution 1333 (2000) and the closure of its offices had been a possibility since then, the actual demand came as somewhat of a surprise, since my Personal Representative had recently received a verbal assurance from the Taliban Foreign Minister that UNSMA would be able to resume its functions fully. The UNSMA office in Kabul is currently staffed by a political officer and two civil affairs officers. The civil affairs officers in Herat, Jalalabad, Kandahar and Mazar-e-Sharif have been relocated to Islamabad, from where they conduct regular visits to Peshawar and Quetta, where there are large concentrations of Afghans, and to United Front-held areas in the north-east. A sub-office is in the process of being established in the Panjshir Valley.

14. On 20 June, the Taliban requested UNSMA to vacate the premises it had long occupied in Kabul by 15 July, on the ground that they were required for the use of the Deputy Head of the Council of Ministers, Hassan Akhund. New premises were identified and UNSMA successfully completed its relocation ahead of the deadline.

C. Political developments

15. In April the Taliban dismissed approximately 9,000 civil servants, including staff from the Ministries of Defence and Interior as well as the Istikhbarat (Secret Service), citing budgetary reasons. Many of those officials were suspected of having been linked to the Government of former President Najibullah.

16. On 16 April, the Taliban Head of the Council of Ministers, Mullah Mohammad Rabbani, died in Islamabad after a long illness. An original member of the Taliban movement, he was considered the second most important leader after Mullah Omar. His replacement has not yet been appointed.

17. The Taliban's increasing efforts to establish their version of a "pure Islamic society", based on their interpretation of Islam, according to the Deobandi and Wahhabi schools of thought are reflected in a series of measures such as the introduction of new curricula throughout the education system emphasizing Islamic and Arabic-language subjects to the detriment of the arts and the sciences. In pursuit of their policy of Islamization, the Taliban introduced for the new school year, starting on 21 March, new curricula for primary, secondary and higher education, substantially increasing the number of Islam-related subjects at the cost of secular ones. In July, the Taliban banned the use of the Internet and the import of 30 items ranging from pig oil, products containing human hair, any musical instrument, chess boards, playing cards and tapes to nail polish and neckties. In addition, all Taliban officials are required to wear a black turban, while women have been banned from recreational sites. It should be noted, however, that at times there is a certain gap between Taliban decrees and their observance.

18. In May, a Taliban media report quoted the Minister for the Promotion of Virtue and the Eradication of Vice as saying that the Taliban were considering making non-Muslim citizens wear identity labels on their clothing to distinguish them from Muslims and to prevent them from being unnecessarily troubled by Vice and Virtue squads, which regularly seek to ensure that men keep their beards untrimmed and attend mosques at prayer times. The matter generated widespread outrage in the international community because of its symbolism and its potential for discrimination against the small Hindu minority. Following appeals from many quarters, including mine conveyed through my Personal Representative, the Taliban Minister of Justice stated that the Hindu community would be consulted before any such order was issued. Mr. Mutawakkil has repeatedly indicated to Mr. Vendrell that the form of identification, which is currently before the Council of Ministers for a decision, might well consist of some kind of identification card, which could be produced whenever required by the authorities.

19. The numbers of non-Afghan nationals present on Afghan territory appear to be on the increase, judging from their greater visibility in major cities, such as Kabul, Kandahar and Herat, and according to other reports.

20. Beginning on 3 August, over 20 persons, 8 of them foreigners belonging to the non-governmental organization, Shelter Now International, have been arrested. The foreigners are accused of spreading Christianity in Afghanistan under the guise of providing humanitarian assistance, whereas the Afghans are being investigated about their possible conversion from Islam to Christianity, an offence that, if proved, carries the death sentence. My Personal Representative has been discussing this matter with the Taliban authorities and also the need to allow consular access to the detainees.

21. A 12-member Taliban delegation headed by the Chief Justice, several cabinet members, including the Foreign Minister, and ulemas visited Qatar, president of the Organization of the Islamic Conference (OIC) from 7 to 10 April. Among the subjects discussed, the Taliban mentioned their wish for an OIC office to be established in Kabul. At the meeting in Bamako from 25 to 27 June, the OIC Foreign Ministers, in a resolution on the situation in Afghanistan, requested their Secretary-General to take the necessary administrative measures to open an OIC relief office in Afghanistan devoted to facilitating the process of extending humanitarian assistance to the Afghan people.

22. In the course of his visit to Afghanistan, the Islamic Republic of Iran and Pakistan, the United Nations High Commissioner for Refugees, Ruud Lubbers, met with the President of ISA in May, as well as the Taliban Foreign Minister, and proposed a six-month humanitarian ceasefire. His proposal was welcomed by Mr. Rabbani, but rejected by the Taliban.

23. Bombing incidents continued to occur in major Afghan cities. On 4 May, a bomb exploded in a local mosque in Herat, killing a dissident Sunni Iranian cleric and several other civilians. This was followed by an attack by a group of locals against the Iranian Consulate General in that city. The Consulate was ransacked while its personnel were evacuated by the Taliban. It remains closed. Similar incidents have occurred in Kabul, blamed by the Taliban on the United Front. On 8 August, four Afghans convicted of involvement in some of the incidents were publicly hung in a Kabul square.

24. During the reporting period, the former King of Afghanistan, in pursuit of his emergency *loya jirga* initiative, dispatched delegations to the Russian Federation, the United States of America and the United Kingdom. In mid-June, the US State Department released a poll of some 5,000 Afghans from 27 provinces of Afghanistan, in which almost 50 per cent agreed that Zahir Shah was the leader who could "most successfully" address the problems facing Afghanistan at present. The other Afghan personalities in the questionnaire scored 11 per cent or below.

25. My Personal Representative has recently discussed with the Government of Pakistan the fears the prominent Afghans living in that country, many of them supporters of the former King and of convening an extraordinary *loya jirga*, continue to express regarding their security. Recent cases include those of Haji Mangal Hussein and of the spokesman for the Lawyers' Association of Afghanistan, Gul Rahman Qazi, both of whom had been the object of persistent threats and arson attacks against their property. Mr. Hussein felt compelled to seek asylum in a third country. The Pakistani authorities have promised to investigate those and other reports.

D. International developments related to Afghanistan

26. There has been a plethora of diplomatic activities related to Afghanistan during the reporting period. In late April, the Secretary of the Supreme National Security Council of the Islamic Republic of Iran, Hassan Rohani, visited Islamabad for talks with Pakistani leaders. Both Governments agreed that there was no military solution to the Afghan conflict and that the two warring sides should come together to establish a broad-based government in Afghanistan. The topic was also discussed during the visit of Pakistan's Foreign Secretary, Inam ul-Haque, to Tehran at the end of July. Afghanistan was one of the subjects touched upon by Chinese Premier Zhu Rongji in his talks with General Pervez Musharraf in the course of his visit to Pakistan in early May. The issue figured prominently during the visit to London and Washington in mid-June by the Pakistani Foreign Minister, Abdul Sattar, and has been the subject of further discussion during the visit of the United States Assistant Secretary of State, Christina Rocca, to Islamabad at the end of July.

27. The European Union troika, represented by their ambassadors in Islamabad, paid a visit to Kandahar and to Faizabad in late April and early May, respectively, to explain to the Taliban and United Front leadership the Union's common position on Afghanistan.

28. The concern about the implications for Central Asia of the current situation in Afghanistan was evident in the decision taken in Yerevan by the Presidents of Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan as well as Armenia and Belarus to establish a rapid reaction force aimed at repelling incursions by extreme Islamic groups emanating from Afghanistan. In their 15 June declaration on the establishment of the Shanghai Cooperation Organization, the Presidents of China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan agreed to cooperate closely with a view to the implementation of the Shanghai Convention on Combating Terrorism, Separatism and Extremism and to proceed with the establishment of a regional anti-terrorist structure with headquarters in Bishkek.

29. The United States-Russian Working Group on Afghanistan, chaired by US Deputy Secretary of State Richard Armitage and Russian First Deputy Foreign Minister Vyacheslav Trubnikov, which met in Washington, D.C., on 24 and 25 May, agreed that the situation in Afghanistan, and especially the Taliban's support for terrorism, continued to be a threat to the interests of both countries as well as to regional and international stability, that only a political solution could lead to peace in Afghanistan and that they would support further steps to develop an effective monitoring mechanism for United Nations sanctions. Afghanistan was further discussed at meetings in Moscow on 25 and 26 June of the Joint Indo-Russian Working Group on Afghanistan and in Washington, D.C., on 26 and 27 June of the Indo-US Joint Working Group on Counter-Terrorism. The issue was also discussed by the Presidents of the Russian Federation and the United States at their meeting in Ljubljana in June.

30. At their summit meeting in Genoa, Italy, in July, the leaders of seven major industrialized nations and the Russian Federation (G-8) reiterated their concern over the growing terrorist threat originating from Afghanistan, urged the Taliban to comply with Security Council resolutions 1267 (1999) of 15 October 1999 and 1333 (2000) and expressed support for the United Nations and other efforts to advance a peace process through political negotiations between Afghan parties or through a mechanism such as a *loya jirga*.

31. On 29 May, a Federal Court in New York found four men, two Arabs, a Tanzanian and an Arab-born American, guilty of conspiracy in the bombings of the United States Embassies in Nairobi and Dar es Salaam in August 1998. The Court found that three of the perpetrators had received training in camps run by Osama bin Laden's al-Qaeda network in Afghanistan. In May, an Algerian with connections to the bin Laden network was convicted of terrorist conspiracy in a plot to bomb the Los Angeles International Airport during the 2000 millennium celebrations. Other suspects allegedly linked to bin Laden have recently been arrested or are facing trial in France, Germany, Italy, Spain, the United Kingdom, the United States and elsewhere.

E. The military situation

32. Fighting between the Taliban and the United Front has intensified since the beginning of May, with neither party yet scoring meaningful territorial gains. The focus remains on Takhar as both warring sides continue to reinforce the main confrontation lines in that strategic north-eastern province. Fighting has also spread to other areas of the country with the return of some commanders once ousted by the Taliban.

33. In early May, fighting broke out in the Farkhar Gorge, east of Taloqan, the provincial capital of Takhar, with the Taliban forces launching a major offensive on the Chal district and in the Gorge at the beginning of June. The United Front, for its part, launched an unsuccessful attack in late June from Khwajaghar towards Taloqan. The fighting subsided during the first two weeks of July, allowing both sides needed time for regrouping and reinforcement. Fighting resumed south of Taloqan on 19 July but after two days it declined again. The middle and southern part of the confrontation line has also been very tense during the period under review.

34. Fighting south and north of Taloqan is likely to continue and even intensify in the near future as both sides have deployed large numbers of troops along the northern part of the main confrontation line. The Taliban are expected to continue attacking along the northern part of the line, with the aim of cutting the United Front's supply road, which ruins from the ferry on the Tajik-Afghan border, north of Dasht-i-Qala. Their objective appears to be the capture the Farkhar Gorge, a strategic corridor leading to Badakshan, the only province that remains in full United Front control. The United Front, in turn, is likely to concentrate in defending the Farkhar Gorge as well as Khwajaghar and Dasht-i-Qala and to attempt to recapture Taloqan from the direction of Khwajaghar and Dasht-i-Qala.

There has also been ongoing exchange of fire between Taliban and United Front fighters on the islands on the Amu Darya, near Emam-e Saheb, where some 10,000 displaced persons, including United Front fighters, are stranded near the Tajikistan border.

35. The forces under General Dostum, who returned to Afghanistan in April, are based in Sar-e Pul Province. After launching an unsuccessful attack in Balkh Province, they are now concentrating their military activities in the northern provinces of Badghis and Faryab, so far without much success. The former Governor of Herat, Ismail Khan, arrived in the western province of Ghor in the middle of May and has successfully strengthened his position in that province, cutting off the roads to the provincial capital of Chaghcharan.

36. The forces of the Hezb-e Wahdat leader, Karim Khalili, have remained active in the central province of Bamyan and kept Yakawlang, the second largest city in the province, which has changed hands several times in recent months, under their control since 11 June. The Taliban have taken up defensive positions east of Bamyan city.

III. Humanitarian activities and the human rights situation

37. My previous reports expressed my concern at the rapidly declining situation in Afghanistan. While the United Nations and its partners have been addressing humanitarian needs for many years, the combination of drought, conflict and human rights abuses have led to a new, more deadly level of crisis. While the objective of assisting people in situ to avoid the need for them to become displaced remains the cornerstone of humanitarian assistance in Afghanistan, several indicators in the period under review pointed to increased levels of vulnerability on a scale that will most likely generate further displacement and human suffering in the coming months. The World Food Programme (WFP)/Food and Agriculture Organization of the United Nations mission that conducted the yearly crop and food assessment in May 2001 observed that there was mounting evidence of emerging widespread famine conditions in the country. The mission also noted the rapidly increasing numbers of destitute people who could become refugees and internally displaced in the coming months in the absence of strong and well targeted humanitarian assistance. Some of the reasons quoted in that regard included the exhaustion of coping mechanisms, lack of seeds and the lack of casual labour opportunities for as many as 480,000 people in the former poppy cultivation areas. Reduction in the quality and quantity of food consumption was also noted in many locations.

38. The current caseload of internally displaced is estimated to be in excess of 700,000. United Nations contingency planning exercises indicate that the number of internally displaced could be well over one million persons by the end of 2001, up from 250,000 at the beginning of the year. Aid agencies say that, in districts from where there has been large displacement, those who do not leave are often the poorest and most vulnerable who cannot even afford to pay for transport to places of refuge. Priority attention is therefore being given by the assistance community to assistance plans that target and protect the livelihoods of those who have not yet left and create the conditions for those who have become displaced to return. The months under review have seen massive increases in the rate of internal displacement, in particular in the western and northern regions, owing mostly to depletion of food stocks combined with growing levels of insecurity as a result of fighting in areas of origin. In some places the drying up of drinking water sources has been the primary cause of displacement. Unless additional resources are urgently made available to the assistance community by Member States, the last quarter of 2001 and the first of 2002 could witness a significant deterioration in the situation with increasing loss of life and of livelihoods.

39. In the north-eastern region of Badakhshan, in June and July, it was observed that the number of available water sources was becoming alarmingly low. As a result, people in several villages are believed to be making preparations to leave their homes. Aid agencies in the area are monitoring the situation with a view to identifying immediate possibilities for intervention that might prevent further displacement.

40. To respond to the growing emergency, the assistance community, under the leadership of the United Nations Coordinator, is expanding its presence in Afghanistan by requesting reputable international non-governmental organizations to participate in the current relief efforts, in particular in the western and northern regions of the country. In the northern provinces of Balkh, Kunduz, Baglan and Faryab, where as many as 300,000 people are believed to be internally

displaced, camps to assist internally displaced persons are being set up, through a common protocol of assistance signed by relevant United Nations and non-governmental organizations in order to provide coordinated assistance until at least mid-2002.

41. In the first seven months of 2001, a great deal of attention was given by United Nations entities to the plight of an estimated 180,000 newly arrived Afghan refugees in Pakistan and some 200,000 arriving in the Islamic Republic of Iran. In addition, an estimated 10,000 Afghans exist in miserable conditions in the no-man's-land between Afghanistan and Tajikistan. People have fled Afghanistan because of harassment and persecution, conflict and the effects of drought, with the precise cause of movement varying between locations and between individuals. An estimated 60,000 people, many in destitute condition, settled in poor circumstances at the makeshift site of Jalozai in the North-West Frontier Province of Pakistan. In July 2001, a limited voluntary repatriation programme from Pakistan was resumed with assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) and WFP. Within the first month, almost 10,000 people had taken advantage of the programme, returning to areas in Afghanistan other than those severely affected by drought. An agreement was reached in early August between UNHCR and the Government of Pakistan under which Afghans at Jalozai and two other locations would be subjected to a joint screening process as to their eligibility to be considered.

42. A worrying feature of the current humanitarian crisis is the lack of significant action by the authorities in Afghanistan to provide assistance for their own people. The authorities cite a lack of budgetary resources as the reason for this inactivity. In July 2001, the Taliban authorities reportedly announced a budget of about $80 million for the financial year, equal to about one third of the flow of international community humanitarian resources to Afghanistan.

43. Since the beginning of 2001, United Nations humanitarian agencies have endeavoured to negotiate a simpler working framework with the authorities called the humanitarian operational requirements. Those requirements seek to confirm the indispensable principles of universality, impartiality and neutrality and to guarantee access to all populations in need. In the humanitarian operational requirements the United Nations has restated its need to conduct independent needs assessment exercises and programme monitoring. Agencies should be allowed to deploy female as well as male staff without hindrance and to provide assistance directly to female and male beneficiaries according to their needs. No discrimination against United Nations staff with respect to religion, ethnicity, nationality or gender can be tolerated. United Nations staff, premises, assets and resources must be kept secure and inviolable. However, the negotiations on the humanitarian operational requirements have been tortuous and inconclusive. While there is evidence of a genuine commitment by the authorities to ensure the security of United Nations international personnel, only qualified agreement has been reached on a number of the other provisions. Access to Afghan women remains a stumbling block. In practical terms, it is not possible for the few female Afghan staff employed by United Nations entities to work normally. Exceptions to this, in particular in the health sector and United Nations-assisted bakeries, allow for pragmatic arrangements to enable Afghan women to continue working, although there are regular challenges to the continuation of this state of affairs.

44. In July the Taliban issued a decree formalizing restrictions on the activities of foreigners. That decree, inter alia, reconfirms the requirement for female Muslim foreign workers to be accompanied by a *mahram* (male escort) and seemingly prevents foreign workers from meeting with or interviewing Afghan women. Humanitarian agencies are concerned about the possible application of sharia law to foreigners. Moreover, changes in administrative procedures, deliberate restriction of access to humanitarian assistance and rhetorical attacks on aid agencies have rendered humanitarian assistance work all the more complex. Arrests of national humanitarian staff by Taliban forces have increased. United Nations staff and aid project managers have frequently been subjected to coercion and abusive behaviour by the Taliban authorities. As a consequence of those restrictive measures and actions, aid organizations have found it increasingly difficult to reach populations in need, in particular women. It is imperative that the Taliban cease the harassment of humanitarian workers and make a firm commitment to the humanitarian operational requirements described above.

45. In the sphere of human rights, there has been no improvement in the policies, practices and circumstances that undermine the ability of Afghans to enjoy their most fundamental rights. As noted in previous reports, the

combination of war, weak and unrepresentative governance mechanisms and widespread and deep-rooted poverty coupled with the drought and profound underdevelopment is a deadly mixture for a growing number of Afghans. More and more Afghans are on the move as they seek safety and survival elsewhere, including in neighbouring countries and beyond.

46. Policies and practices that are widespread in Afghanistan and are enforced with official backing in Taliban-controlled areas continue to be of great concern. Women and girls are subjected to officially sanctioned discrimination that further restricts their access to the minimal opportunities that are available and essential for the enjoyment of such basics as the right to health, education and a means of livelihood. With the exception of the health sector, women, including female-headed households, have virtually no possibility of finding employment outside the home. Many destitute women are reduced to begging. It is widely reported that young girls are marrying earlier, as the bride price is used to stave off hunger or to supplement a family's survival strategy. Recent months have also seen greater harassment that impinges on the mobility of minority groups in particular and has contributed to a growing climate of fear and increased population flows.

47. Restrictions imposed by Taliban authorities also have an impact on the ability of aid agencies to identify and reach particular groups, including females. In some instances, access has been denied or blocked to certain areas, thereby exacerbating the suffering and threatening the survival of at-risk groups. Persistent reports of harassment of Afghans in neighbouring countries are also cause for concern. As the crisis in Afghanistan deepens, the importance of maintaining respect for the right to seek asylum increases. In that connection, the recent agreement on screening procedures for refugee status determination between the Government of Pakistan and UNHCR is welcome (see para. 41).

48. As noted in previous reports, civilians bear the brunt of the fighting in Afghanistan. It is now a well-established pattern that civilians are deliberately targeted and often are subjected to summary execution and arbitrary detention. The indiscriminate use of landmines by both parties to the conflict is widespread. Aerial bombardment of residential areas, including in Ghor in June, is also a frequent occurrence. The deliberate abuse of civilians in Yakawlang and the surrounding area continues. Recent incidents included the torching of Nayak, the principal commercial centre of Yakawlang District, in June. This scorched earth policy, which also included the burning of villages in Bamyan District in June, renders areas uninhabitable and has serious ramifications for livelihoods and the general capacity to cope of the affected population. Recent military initiatives have also included internal Taliban blockades of enclaves controlled by the United Front that effectively results in collective punishment of the civilians trapped in those areas.

49. My report of 19 April (A/55/907-S/2001/384) summarized information that was then available of the alleged massacre of dozens of civilians during the take-over of Yakawlang by Taliban forces in January 2001. Given the importance of addressing the issue of impunity in Afghanistan and of bringing a halt to the systematic violations of human rights, additional evidence on the human rights situation of Afghanistan has been collected under the mandate of the Special Rapporteur of the Commission on Human Rights. A preliminary analysis of that evidence suggests that at least 130 Afghan men were summarily executed, allegedly by Taliban forces. There is also evidence to indicate that many of those killed were buried in mass graves. Information on the identity of some alleged perpetrators has also become available. The United Nations High Commissioner for Human Rights is following this and other related allegations closely.

50. Given the persistent allegations of serious violations of human rights and international humanitarian law by all parties to the conflict in Afghanistan, it is important that the international community urgently take steps to address the issue of impunity.

IV. Narcotics

51. A donor assessment mission organized by the United Nations International Drug Control Programme to Afghanistan in April/May 2001 confirmed the overall findings of the pre-assessment survey conducted earlier in the year by the Programme that the July 2000 decree banning opium poppy cultivation had been implemented during the growing season from November 2000 to April 2001. However, the donor assessment mission also found that the opium poppy ban had resulted in additional severe hardship for many small farmers in particular for sharecroppers and itinerant workers. Indebtedness was very high among sharecroppers and it was observed that itinerant

workers, without their main source of income, were becoming displaced, seeking refuge in major urban centres or in other countries or enlisting in the Afghan conflict. The mission recommended, inter alia that aid agencies with relevant mandates should engage more in areas of former poppy cultivation in the short to medium term by providing subsidized agricultural inputs or implementing food/cash-for-work programmes. Relevant United Nations entities have prepared a package of assistance to former opium poppy growing areas and resources are now urgently being sought for its implementation. The United Nations International Drug Control Programme is also completing its annual opium poppy survey in Afghanistan, the results of which will become available in September 2001. The report will contain detailed information on the extent and level of opium poppy cultivation in the country.

V. Observations

52. The humanitarian situation in Afghanistan has reached alarming proportions owing to the combined effects of 22 years of conflict and the worst drought in living memory. The war is currently affecting some 17 provinces, adding to the misery and insecurity of the civilian population in those areas and continuing to have a grave effect on the lives and livelihoods of Afghans in the others. This, in turn, has led to further waves of population displacements during the past four months. It is highly regrettable that the parties to the conflict in Afghanistan continue to disregard the interests of their own people while pursuing policies that have contributed to one of the world's worst humanitarian crises.

53. The political and military outlook mirrors the humanitarian situation in many ways. With the coming of spring and summer, the fighting season has begun in earnest. While neither warring side has so far achieved a major military gain, the war has spread to more areas of Afghanistan than was the case hitherto and the two factions, by all accounts well armed and supplied, have concentrated large forces in the north-east ready for combat. It is a matter of particular concern that the number of foreigners fighting alongside the Taliban has not declined, but rather to the contrary, the presence of so-called "guests" is increasingly noticeable in the major urban centres. This adds to the suspicion that certain foreigners play a growing decision-making role within the Taliban leadership to the detriment of those Afghan elements within the Taliban who are considered more pragmatic or moderate. Their waning influence coincides with the recent demise of Mullah Muhammad Rabbani, considered one of the few persons with his own power base, although his influence had been on the decline in the past year with the onset of his illness.

54. While the willingness of the Taliban authorities to pursue their discussions with my Personal Representative is valued, I am distressed at their continued unwillingness to enter into a dialogue with the United Front as agreed to by the two sides in November 2000, on the claim that the adoption of last December's sanctions against the Taliban is evidence of partiality on the part of the United Nations. My Personal Representative has repeatedly pointed out the reasons behind the adoption by the Security Council of resolutions 1267 (1999) and 1333 (2000) and reminded the Taliban that it is within their power to remove the causes that led to imposition of sanctions against them and that the Secretary-General's capacity to act as an honest broker, even in situations where a party is the subject of a sanctions regime, has not been compromised. The closure in May by the Taliban of the UNSMA offices in four provincial centres is also a matter of regret since it diminishes the ability of the Special Mission to interact with local officials and non-official groups and to carry out the mandate assigned to the Civil Affairs Unit by the Security Council and the General Assembly.

55. The donor assessment mission that surveyed poppy-growing areas has confirmed the earlier finding of the United Nations International Drug Control Programme that the Taliban decree of 2000 banning opium poppy cultivation has been implemented. The Taliban authorities deserve credit for this effective measure. It is now essential that the international community proceed expeditiously to assist those farmers who have been deprived of their main source of income before the new planting season starts in October-November. I also take this opportunity to call on the authorities of the United Front to intensify their efforts to eradicate poppy cultivation in their areas.

56. While the United Front has recently stated its commitment to a negotiated political settlement based on the right of the Afghan people to self-determination, a position supported by those Afghans supporting the convening of an emergency *loya jirga*, the Taliban remain of the view that the selection by ulemas of Mullah Mohammad Omar as "Amir-ul Momenin" with lifelong

untrammelled powers has already adequately expressed the wishes of the Afghan people. The Taliban continue to consider the maintenance of the "Islamic Emirate" a precondition to any political settlement.

57. I can report no progress either on the position of the Taliban regarding the surrender of Osama bin Laden or on the closure of the camps where international terrorists are trained. On the former, the Taliban continue to insist that any trial should take place in Afghanistan or be under sharia law, whereas they deny the existence of the latter.

58. Likewise, discrimination against women and girls persists, seriously restricting their access to education and employment facilities and often disrupting the delivery of humanitarian assistance. Widespread human rights violations, including summary executions and arbitrary detentions, show no signs of abating, while communities in frontline areas are subjected to the indiscriminate use of landmines, bombing and the deliberate torching of settlements, as exemplified by the burning down of Yakawlang after the brief recapture of the town by the Taliban in June.

59. After so many years of fruitless endeavours, the intergovernmental organs of the United Nations, in particular the Security Council, might wish to consider adopting a comprehensive approach to the settlement of Afghanistan, in its political, military, humanitarian and human rights dimensions, setting forth the basic requirements for a settlement of the conflict and the principles on which it should be based, together with a coherent strategy to resolve the conflict. Such an approach ought to be based on a careful diagnosis of the current situation based on the premises that no military solution to the Afghan conflict is possible, desirable or indeed acceptable, that the pursuance of the conflict is futile since territorial gains achieved on the battlefield do not constitute the basis for the legitimization of power and that a piecemeal, as distinct from a step-by-step, approach is unlikely to succeed in either ending the conflict or in solving the specific concerns of the international community, such as terrorism, refugees or human rights.

60. The comprehensive approach should start from the premise that the conditions prevalent in Afghanistan have for many years prevented its people from exercising their rights to decide freely on the form of this government and whom they wish to govern them. This in addition to the continued foreign interference in the affairs of Afghanistan, lies at the root of this prolonged conflict. Only a solution that guarantees to the Afghans their right to decide freely on their form of government through an internationally acceptable mechanism, such as elections, or a fully representative *loya jirga*, can put an end to the crisis of legitimacy that has characterized Afghanistan since the 1970s. The lack of legitimacy has led to persistent internal challenges to successive Afghan Governments facilitating, in turn, the intervention of outside forces in support of one or other claimant. The Security Council may also wish to seek to ensure that a freely chosen government in Afghanistan also abides by its obligations under the Charter of the United Nations and other international instruments to which Afghanistan is a party and also by generally recognized principles regarding human rights and non-discrimination, establishes a pluralistic and representative form of government in which all ethnic and other groups feel adequately represented and commits itself to policies of non-aggression and friendly relations with its neighbours.

61. Having set its objectives, the Security Council may wish to consider a strategy to achieve those objectives, including incentives and disincentives, aimed at encouraging the parties to enter into serious negotiations and move towards a settlement along the principles set forth above. This would also eliminate any confusion about the objective of sanctions, which would thus be clearly seen as a means to an end. At the same time, the Council might, as an incentive, encourage the establishment of a rehabilitation and reconstruction plan for Afghanistan that would be available for immediate implementation once an overall political settlement had been arrived at, ensure its durability and send a signal of hope to the Afghan people. Any strategy drawn up could also aim at addressing human rights violations, strengthening civil society's efforts to promote peace and facilitating the delivery of humanitarian assistance on the basis of internationally accepted principles.

62. The international and regional aspects of the conflict should also be addressed in that overall context. The Security Council may wish to encourage all the Governments concerned, in particular those of the "six plus two" group, to reinvigorate their efforts to harmonize their legitimate national interests and find a common approach regarding the future of an Afghan nation and its system. Without sustained political will on the part of those Governments and without their

concerted efforts, the underlying causes of the Afghan conflict will not be adequately addressed.

63. I am convinced that a political solution based on the twin pillars of enabling the Afghan people to freely determine their own future and securing the legitimate national interests of Afghanistan's neighbours through mutually binding commitments offers the best guarantee for a lasting peace in Afghanistan. The current reawakened interest in Afghanistan offers a limited window of opportunity to lay down a comprehensive formula for the settlement of the conflict. I stand ready to make my Personal Representative available to develop this approach further with members of the Security Council and the General Assembly in the coming months.

United Nations S/2001/790

Security Council

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15 August 2001
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Letter dated 8 August 2001 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement on the escalation of violence in the Middle East issued on 1 August 2001 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(*Signed*) Jean **De Ruyt**
Permanent Representative of Belgium to the United Nations

01-51150 (E) 150801 150801

Annex to the letter dated 8 August 2001 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General

Statement on the escalation of violence in the Middle East issued on 1 August 2001 by the Presidency of the European Union on behalf of the European Union

The Presidency of the European Union expresses its deepest concern in view of the deterioration of the situation in the Middle East and the renewed escalation of violence of the last few days, which further complicate the current diplomatic efforts aiming at relaunching the political process.

The Presidency urges all parties to show maximum restraint and to make concrete and immediate gestures in order to meet the expectations of the international community as largely reflected in the conclusions of the General Affairs Council of the European Union of 16 July (see S/2001/728) and the summit declaration of 21 July of the group of seven major industrialized nations and the Russian Federation (G8).

The Presidency stresses the European Union's conviction as to the urgency of the full implementation of the Mitchell recommendations as well as to the interest of both parties in actively cooperating to the rapid establishment of a third-party monitoring mechanism.

The Presidency is disturbed by the killing of eight Palestinians in the West Bank on 31 July, and the report of the death of two children near the explosion.

The Presidency reiterates the European Union's rejection of targeted assassinations of Palestinian militants by Israel, which are illegal under international law. Unilateral provocative actions of that kind can only lead to further escalation and therefore postpone a return to a situation of calm.

The Presidency exhorts the Palestinian Authority to intensify with unfailing determination its efforts against extremist violence and terrorism.

The Presidency cannot but deplore the killing and wounding of innocent civilians caught in the current confrontations.

United Nations S/2001/791

Security Council

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Letter dated 10 August 2001 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement on the attack in Jerusalem issued on 9 August 2001 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(*Signed*) Jean **De Ruyt**
Permanent Representative of Belgium to the United Nations

01-51144 (E) 150801 150801

Annex to the letter dated 10 August 2001 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General

Statement concerning the attack in Jerusalem issued on 9 August 2001 by the Presidency of the European Union on behalf of the European Union

The Presidency of the European Union unreservedly condemns the bombing of a Jerusalem shopping centre today, 9 August. It abhors this cowardly act, which mainly claimed the lives of innocent civilians.

The Presidency reiterates that the European Union rejects all such forms of violence as unjustifiable. Attacks of this kind merely serve to aggravate the further decline in what is already a worrying situation in the Middle East and render ineffectual all the attempts being made by the international community to relaunch the stalled political process.

The Presidency calls on all parties to shun violence forthwith in favour of dialogue and negotiation.

It is high time that the parties to this conflict regained their self-control and adopted a resolutely forward-looking approach, working together to restore a climate of mutual trust that will be essential if the vicious cycle of attacks and revenge attacks is to be broken.

The Presidency also stresses that the civilian populations on both sides cannot indefinitely remain hostages to a conflict that has surely already gone on too long. After 10 months of fighting it is now clear that only negotiation, with the necessary compromises this entails, is capable of leading to a definitive solution to the Palestinian issue and ensuring lasting peace and stability in the region.

The Presidency calls on the parties in question to display a maximum degree of restraint.